

DURHAM



1869
CITY OF MEDICINE

CITY OF DURHAM

Neighborhood Improvement Services Department

807 EAST MAIN STREET, SUITE 2-300 | DURHAM, NC 27701

919.560.1647 | F 919.560.1790

www.DurhamNC.gov

January 21, 2014

Morris Bowden
232 Monticello Ave.
Durham, NC 27707

Dear Mr. Bowden,

The department director, Constance Stancil requested that I contact you based on a phone call she received from Regina Bowden in early January. I am writing to confirm the information that you and I discussed by phone earlier this month regarding your property at 508 Dowd St. in Durham.

As the property owner, it is important that you communicate directly with Neighborhood Improvement Services concerning your property. Though Ms. Bowden has communicated with our department in the past, she is not a licensed agent and therefore cannot represent you in these matters.

From our conversation, my understanding is that you are concerned about two invoices you are receiving from the City of Durham connected to the property and are requesting that these amounts be forgiven.

Invoice 81260 in the amount of \$ 1,178.79 is a lien against the property resulting from for work done by the City of Durham to remediate high grass and weeds due to non-compliance of case LT12-3532. This case was closed on 7/28/2010. There is no provision in City ordinances for the cancelation of this type of lien.

Invoice 84424 in the amount of \$3,701.80 is for civil penalties accrued after the Order to comply for Housing case #RO11-2741. This case was taken before the Housing Appeals Board on March 21, 2012 and was still in violation of the City's Housing Code on that date. The board ruled that the City be allowed to repair or stabilize the property. No additional civil penalties have been calculated since the ruling of the Housing Appeals Board. There is no provision in the City's Housing Code for the release of civil penalties unless there is a subsequent owner. I'm not aware of any provision that would allow for release of civil penalties in your particular case; however you are free to contact City Administration with your request.

On 12/6/13, case RO11-2741 was closed with the case note that the violations listed had been repaired except for the boarding of 2 windows on the vacant left side of the dwelling to prevent entry. Rick Hester approved the temporary boarding of these 2 windows. Please

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be aware that these boards must be removed once the unit is rented or for a maximum of 6 months whichever is sooner.

Also, please be aware that 508 Dowd is in the Proactive Rental Inspection Program (PRIP) designated area and is now subject to proactive inspections. This property was not inspected under PRIP last year because there was an open pending Housing Appeals Board case on the property. Now that case RO11-2741 is closed, PRIP inspections of both unit interiors and the exterior will be scheduled in the coming month.

I am including for your reference:

- current copies of both invoices
- the Housing Code section that relates to Civil Penalties: Code of Ordinances, Part II, chapter 10, article VI, section 10-241- violations; penalty; fees
- a copy of the Finding of Fact letter sent to you stating the consequences of non-compliance with the Housing Code.

Sincerely,

Faith Gardner

NIS Manager

Neighborhood Improvement Services

CITY OF DURHAM
NEIGHBORHOOD IMPROVEMENT /HOU
101 CITY HALL PLAZA
DURHAM NC 27701

CUSTOMER	INVOICE	INVOICE
NUMBER	DATE	NUMBER
205731	04/05/2012	84424

***** DUPLICATE INVOICE *****

BOWDEN, MORRIS L
232 MONTICELLO AVE
DURHAM, NC 27707 USA

508 dowl st. FOR/LOCATION

DESCRIPTION	ORIG BILL	ADJUSTED	PAID	AMOUNT DUE
508 dowl st.	3800.00	.00	98.20	3701.80
QTY 1.00 @ 3800.00 PER EACH				
07/04/2012 LATE FEE INTEREST	.00	.00	.00	.00

INVOICE TOTAL DUE 3,701.80

CITY OF DURHAM
 NEIGHBORHOOD IMPROVEMENT / WBC
 101 CITY HALL PLAZA
 DURHAM NC 27701

CUSTOMER
 NUMBER
 205731

INVOICE
 DATE
 09/05/2010

INVOICE
 NUMBER
 81260

***** DUPLICATE INVOICE *****

BOWDEN, MORRIS L
 232 MONTICELLO AVE
 DURHAM, NC 27707 USA

DESCRIPTION	ORIG BILL	ADJUSTED	PAID	AMOUNT DUE
508 Dowd Street Parcel #110900	775.00	.00	50.00	725.00
QTY 1.00 @ 775.00 PER EACH				
WEEDY BOARD LOT ADMINISTRATIVE FEE	250.00	.00	.00	250.00
QTY 1.00 @ 250.00 PER EACH				
WEEDY LOT BOARD CLEAN COURT FILING FEES	29.00	.00	.00	29.00
QTY 1.00 @ 29.00 PER EACH				
11/08/2011 LATE FEE INTEREST	.00	6.69	.00	6.69
12/02/2011 LATE FEE INTEREST	.00	6.69	.00	6.69
01/05/2012 LATE FEE INTEREST	.00	6.69	.00	6.69
02/03/2012 LATE FEE INTEREST	.00	6.69	.00	6.69
03/04/2012 LATE FEE INTEREST	.00	6.69	.00	6.69
04/04/2012 LATE FEE INTEREST	.00	6.69	.00	6.69
05/04/2012 LATE FEE INTEREST	.00	6.69	.00	6.69
06/04/2012 LATE FEE INTEREST	.00	6.69	.00	6.69
07/04/2012 LATE FEE INTEREST	.00	6.69	.00	6.69
07/05/2012 LATE FEE INTEREST	.00	6.74	.00	6.74
08/01/2012 LATE FEE INTEREST	.00	6.74	.00	6.74
10/03/2012 LATE FEE INTEREST	.00	6.74	.00	6.74

CITY OF DURHAM
NEIGHBORHOOD IMPROVEMENT / WBC
101 CITY HALL PLAZA
DURHAM NC 27701

CUSTOMER
NUMBER
205731

INVOICE
DATE
09/05/2010

INVOICE
NUMBER
81260

***** DUPLICATE INVOICE *****

BOWDEN, MORRIS L
232 MONTICELLO AVE
DURHAM, NC 27707 USA

DESCRIPTION	ORIG BILL	ADJUSTED	PAID	AMOUNT DUE
11/01/2012 LATE FEE INTEREST	.00	6.74	.00	6.74
12/05/2012 LATE FEE INTEREST	.00	6.74	.00	6.74
02/04/2013 LATE FEE INTEREST	.00	6.74	.00	6.74
03/05/2013 LATE FEE INTEREST	.00	6.74	.00	6.74
04/02/2013 LATE FEE INTEREST	.00	6.74	.00	6.74
05/02/2013 LATE FEE INTEREST	.00	6.74	.00	6.74
06/03/2013 LATE FEE INTEREST	.00	6.74	.00	6.74
07/02/2013 LATE FEE INTEREST	.00	6.74	.00	6.74
08/02/2013 LATE FEE INTEREST	.00	6.74	.00	6.74
09/06/2013 LATE FEE INTEREST	.00	6.74	.00	6.74
10/02/2013 LATE FEE INTEREST	.00	6.74	.00	6.74
11/04/2013 LATE FEE INTEREST	.00	6.74	.00	6.74
12/03/2013 LATE FEE INTEREST	.00	6.74	.00	6.74
01/03/2014 LATE FEE INTEREST	.00	6.74	.00	6.74

INVOICE TOTAL DUE

1,178.79

Sec. 10-241. Violations; penalty; fees.**(a) Offenses.**

- (1) It shall be unlawful for the owner of any dwelling, dwelling unit or rooming unit to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close or remove or demolish the same, upon order of the administrator duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense.
- (2) It shall be unlawful for the owner or agent of the owner in charge of such dwelling, dwelling unit or rooming unit with respect to which an order has been issued pursuant to this article, to occupy or permit the occupancy of the same in a dilapidated or deteriorated condition found to be unfit for human habitation in violation of such order for its repair, alteration or improvement or its vacation, closing or demolition, and each day that such unlawful occupancy continues after the expiration of the time prescribed in the order to repair, alter, improve, vacate, close or demolish such dwelling, dwelling unit or rooming unit shall constitute a separate and distinct offense.
- (3) The violation of any provision of this article shall constitute a misdemeanor and shall be punishable in accordance with section 1-9. The maximum fine shall be \$500.00, and the maximum term of imprisonment shall be 30 days.

(b) Civil penalties.

- (1) Any owner of a dwelling or dwelling unit, except an owner who occupies the dwelling as his or her principal place of residence, who fails to comply with any of the provisions of this article shall be subject to a civil penalty.
 - a. The initial civil penalty shall be \$300.00 and an additional civil penalty of \$300.00 shall be imposed each month. The penalty shall be imposed until the dwelling or dwelling unit is brought into compliance. However, the maximum cumulative civil penalty shall not exceed \$5,000.00. This penalty may be recovered by the city in a civil action in the nature of debt if the owner does not pay the same within 30 days after the initial day of noncompliance.
 - b. The administrator shall formulate written guidelines to use in assessing and calculating civil penalties. Such written guidelines shall authorize the city manager to discharge certain penalties deemed uncollectible after good faith efforts have been made to collect such penalties.
- (2) The city manager may agree, in writing only, to release, in whole or in part, a subsequent owner from liability for a civil penalty imposed pursuant to subsection (b) (1) of this section if the civil penalty was imposed against the subsequent owner due to a previous owner's failure to bring the property into compliance. When this situation exists, a release in whole or part may occur if the subsequent owner voluntarily agrees, as consideration for the release, to bring the property into compliance within an agreed upon timeframe. However, if the subsequent owner fails to comply with the agreement then the civil penalty shall be imposed as if the agreement was never entered into and shall be computed from the first day of noncompliance.

(c) Fees.

- (1) The owner of any dwelling, dwelling unit or rooming unit who fails to repair or vacate and close it, or demolish or remove it, upon order of the administrator duly made and

served as herein provided, within the time specified in such order, shall be subject to an administrative fee set by the city council for noncompliance. This fee allows the city to recover some of its administrative costs incurred due to the owner's failure to comply with the administrator's order described herein.

- (2) Any owner of a dwelling or dwelling unit, except an owner who uses the dwelling as his or her principal place of residence, who requests a re-inspection after failing an initial inspection shall be subject to a re-inspection fee when the re-inspection shows that the owner's dwelling still fails to comply with the provisions of this article. The re-inspection fee shall not be imposed when the owner's dwelling passes the re-inspection. Re-inspection fees adopted by the city council shall be charged.
- (d) Removal of occupant. If any occupant fails to comply with an order to vacate a dwelling, the administrator may file a civil action in the name of the city to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed ten days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the administrator produces a certified copy of an ordinance adopted by the housing appeals board pursuant to this article authorizing the administrator to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be taken as provided in G.S. 7A-227. An action to remove an occupant of a dwelling may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the housing appeals board has ordered the administrator to proceed to exercise his or her duties under this article to vacate and close or remove and demolish the dwelling.
- (e) Nothing in this section shall be construed as a waiver of the housing certificate requirements in subsection 10-239(e).

(Ord. No. 14271, § 2, 6-4-2012)



101 City Hall Plaza
Durham, North Carolina 27701

telephone (919) 560-1847

fax (919) 560-1790

Findings of Fact and Order

FF:01

08/10/2011

Docket # RO11-2741

Bowden Morris Lasalle : Registered Owner
232 Monticello Ave
Durham, NC 27707

Re: 508 DOWD STREET , Parcel ID 110900

Dear Bowden Morris Lasalle ,

Owners and parties in interest in the dwelling located at the above address in the City of Durham, North Carolina.

The undersigned Inspector of the City of Durham, pursuant to the requirements and provision of the Housing Code, being **Article VI of Chapter 10** of the Durham City Code, conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which said hearing was continued with previous notice to the above named owners and parties in interest or their agent or attorney. At said hearing the Answer, if any, filed by the owners and parties in interest was read and considered, and the evidence, contentions and views of the owners and parties in interest were carefully analyzed, and considered by the undersigned. In addition to other evidence presented, the undersigned personally inspected the dwelling above described and referred to, and such inspection and examination has been considered, along with the other evidence offered, at this hearing.

Upon the record and all of the evidence offered and contentions made the undersigned Inspector does hereby find the following facts:

1. The above named owners and parties in interest with respect to the dwelling located at the place specified above were duly served with **Complaint and Notice** setting forth the complaint and charges that said dwelling is in violation of the Housing Code of the City of Durham, provided by law; and at such hearing the following owners, parties in interest, or their agents or attorneys, were present and participated therein, to wit:

The owner(s)/agent(s) listed below DID appear for scheduled hearing date:
Regina George-Bowden On 8/4/11



Durham
Department of Neighborhood Improvement Services

101 City Hall Plaza
Durham, North Carolina 27701

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Fax (919) 560-1780

Findings of Fact and Order

FF:01

08/10/2011

Docket # RO11-2741

Bowden Morris Lasalle - Registered Owner

2. The dwelling above described is in violation of said Code; that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring not conform to the minimum standards established by said ordinance referred to in the complaint filed herein and the existence of said conditions is in violation of said ordinance in the following particulars: (Violations listed on attached page(s).)
3. That said dwelling can be repaired, altered, or improved at a reasonable cost in relation to the value of same, the cost of doing so not exceeding 50% of the present value of the dwelling. The administrator is authorized to require the owner to repair only when two or more findings are made regarding the detrimental impact of allowing the dwelling to be closed and boarded up. See Code Section 10-238(l)(1).
4. The Administrator has made two or more of the findings below regarding the decision to order the house to be repaired only and prohibiting the closing and boarding up of the house. The findings applicable in this case are marked with an "X" by it.

Allowing the house to remain in a vacated and closed status would have the following effect:

- ☒ would be inimical to the health, safety and morals and welfare of the community in that the dwelling would continue to deteriorate
- ☐ Create a fire and safety hazard
- ☐ Threat to children and vagrants
- ☒ Attract persons intent on criminal activities
- ☒ Cause or contribute to blight and the deterioration of property values in the area
- ☐ Render unavailable a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in the community

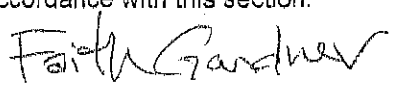
THEREFORE IT IS ORDERED: That the owner and parties in interest, on or before 01/10/2012 or 30 days from the date of receipt of the Order, whichever is later, repair, alter or improve such dwelling so as to bring it into compliance with Housing Code by remedying the defects specifically identified herein.

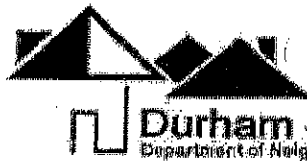
Failure to comply with this order will require further action by the Inspector the Housing Appeals Board And/or the Community Life Court so that these violations may be abated.

Any owner of a dwelling or dwelling unit, except an owner who occupies the dwelling as his principal place of residence, who fails to comply with any of the provisions of this order shall be subject to a civil penalty in the amount of three hundred dollars (\$300.00) for the first day of noncompliance and fifty dollars (\$50.00) for each day thereafter.

ADDITIONALLY: A two hundred and fifty dollar (\$250.00) Administrative fee will be assessed to the owner(s) of the listed property for noncompliance in this matter and will be collected in accordance with this section.

This is: 08/10/2011


By: Faith Gardner
Code Enforcement Officer



101 City Hall Plaza
Durham, North Carolina 27701

Telephone (919) 560-1847

fax (919) 560-1790

Findings of Fact and Order

FF:01

08/10/2011

Docket # RO11-2741

Violation Details

City Ordinance violations and details:

Re: 508 DOWD STREET , Parcel ID 110900

Date Reported:	07/09/2011	Active?	Yes	Date Corrected:	
Location:	Exits			Code Section:	
Checklist Item:					
Comments:	Boarded doors are in violation of City Housing Code Art 6 Sec.10-238-J-3 and may be boarded a maximum of 6 months (at the discretion of the Housing Code Administrator.)				
Date Reported:	07/09/2011	Active?	Yes	Date Corrected:	
Location:	Building Foundation			Code Section:	-
Checklist Item:	There is junk and debris in the crawl space that needs to be removed.				
Comments:					
Date Reported:	07/09/2011	Active?	Yes	Date Corrected:	
Location:	Light and Ventilation			Code Section:	-
Checklist Item:	Repair or replace broken windows.				
Comments:	All windows must be free of deterioration, be reasonably weather tight, fully functional, lockable, glazed, painted, and screened				
Date Reported:	07/09/2011	Active?	Yes	Date Corrected:	
Location:	Light and Ventilation			Code Section:	-
Checklist Item:	The window is boarded up.				
Comments:	Boarded windows are in violation of City Housing Code Art 6 Sec.10-238-J-3 and may be boarded a maximum of 6 months (at the discretion of the Housing Code Administrator.)				
Date Reported:	07/09/2011	Active?	Yes	Date Corrected:	
Location:	Other			Code Section:	-
Checklist Item:	Interior was not inspected at this time.				
Comments:					